

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2012-273-S - ORDER NO. 2012-731
SEPTEMBER 26, 2012

| | | |
|--|---|--------------------|
| IN RE: Application of Palmetto of Richland County, LLC for a Certificate that the Acquisition of the City of Columbia Sewer Collection System Serving Portions of Unincorporated Richland County is in the Public Interest and for Establishment of a Service Area and Rates and Charges |) | ORDER HOLDING |
| |) | PETITION TO |
| |) | INTERVENE IN |
| |) | ABEYANCE, |
| |) | APPOINTING HEARING |
| |) | OFFICER, AND |
| |) | DIRECTING |
| |) | PREHEARING |
| |) | CONFERENCE BE |
| |) | SCHEDULED |

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Motion filed by counsel for Palmetto of Richland County, LLC (“PRC”) for Appointment of a Hearing Officer and Request for Prehearing Conference, along with Objection to Lawrence Petition to Intervene, in Docket No. 2012-273-S regarding PRC’s Application for Acquisition of the City of Columbia Sewer Collection System and for Establishment of Service Area and Rates and Charges.

Section 58-3-40(C)(1) states that upon the request of any party or any commissioner, the commission may employ a hearing officer who may hear and determine procedural motions or other matters not determinative of the merits of the proceedings. Under (C)(2), the hearing officer has full authority, subject to being overruled by the Commission, to rule on questions concerning the conduct of the case

and other matters. Under (C)(3), the officer must be an attorney qualified to practice in all courts of this State with a minimum of eight years' practice experience.

We find that B. Randall Dong, Esquire, meets these qualifications, and we hereby appoint Mr. Dong as hearing officer in Docket No. 2012-273-S. As hearing officer in this proceeding, Mr. Dong shall rule on appropriate matters in the case and dispose of procedural and evidentiary matters for the proceeding pursuant to S.C. Code Ann. Section 58-3-40 (Supp. 2011).

Simultaneously with the filing of its Motion, PRC filed an Objection to Lawrence Petition to Intervene.¹ PRC asserts in its Objection that Lawrence's position for intervention in the proceeding is not determinable from his Petition to Intervene. To assist in making a determination of Lawrence's position, PRC suggests that a prehearing conference be held before a hearing officer in accordance with 26 S. C. Code Ann. Regs. 103-839.

We find that PRC's Objection should be held in abeyance until such time as a prehearing conference may be conducted by the Hearing Officer concerning Lawrence's Petition to Intervene.

IT IS THEREFORE ORDERED THAT:

1. B. Randall Dong, Esquire, is hereby appointed as hearing officer in Docket No. 2012-273-S regarding the Application of Palmetto of Richland County, LLC for Acquisition of the City of Columbia Sewer Collection System and for Establishment of Service Area and Rates and Charges. As Hearing Officer, we direct Mr. Dong to

¹ On August 20, 2012, a Petition to Intervene in Docket No. 2012-273-S was filed with the Commission by James E. Lawrence.

schedule a prehearing conference with all parties of record to this proceeding and to rule on appropriate matters of the case pursuant to S.C. Code Ann. Section 58-3-40 (Supp. 2011).

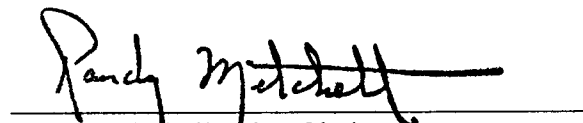
2. The Objection of PRC to the Petition to Intervene of James E. Lawrence is held in abeyance.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


David A. Wright, Chairman

ATTEST:


Randy Mitchell, Vice Chairman
(SEAL)